

## APPENDIX E – HISTORIANS

Prior to filing his expert report, Professor Flynt had ample opportunity to express an opinion that the property tax provisions had a racially discriminatory effect or were passed with an awareness of such an effect in a number of articles and books he wrote. Yet he never suggested it.

In 1992, ten years after the last of the property tax provisions was passed, Dr. Flynt corroborated with Keith Ward in an article advocating tax reform in *Alabama Heritage* entitled “Taxes, Taxes, Taxes.” In the fall of 2001, Dr. Flynt wrote an article in the *Alabama Law Review* on his view of moral corruption in the 1901 Constitution entitled “Alabama’s Shame: The Historical Origins of the 1901 Constitution.” Dr. Flynt wrote Part III of *Alabama, the History of a Deep South State*, approximately 200 pages on Alabama “From the 1920’s to the 1990’s,” and *Alabama in the Twentieth Century* published in 2004 after the Motion for Additional Relief was filed in the *Knight* case. In none of these books does Dr. Flynt indicate that any of the property tax provisions were passed with a racially discriminatory intent.

Dr. Robert J. Norrell’s book that relates to Alabama in the era of civil rights reform through the 1970’s is *Reaping the Whirlwind: The Civil Rights Movement in Tuskegee*. This book studies in detail Macon County politics and issues at the time Amendments 325 and 373 were being considered in the Alabama Legislature

and ratified by the voters. Though Dr. Norrell's book focuses on a majority black county in the heart of the Black Belt, there is no suggestion in *Reaping the Whirlwind* that there was any racial dimension in Amendments 325 or 373.

Dr. Jeff Frederick's book on Alabama is a book about George Wallace, *Stand Up for Alabama: Governor George Wallace*. Dr. Frederick devotes several pages to the legislative proceedings involving the passage of the bill that became Amendment 325. The issues he identifies relate to urban-rural divisions and Wallace's campaign against Alabama's utilities. There is no suggestion that anyone claimed or suspected Amendment 325 might have a discriminatory impact or that race was involved at all.

Defendants are not aware of any books or articles by Dr. Henry M. McKiven, Jr., that discuss Alabama property taxes.